

### **REMARKS**

This Amendment satisfies the submission requirement of 37 C.F.R. § 114 for the RCE filed on 28 March 2006, responds to the final Office Action dated 24 February 2006 (Paper No. 20060121), and follows the in-person interview held on 5 April 2006 between Examiner Sirmons and attorney L. Grant Foster. Claims 24-30 and 42-45 remain pending in the application. Claims 30 and 43-45 have been withdrawn as being directed to a non-elected species of the invention, but will be allowable upon allowance of independent Claims 24 and 42, respectively. Claims 24-30 and 42-45 have been amended. Support for the above-mentioned amendments can be found variously throughout the specification; including, for example, in FIGS. 4-5. No new matter has been added. Applicants respectfully request reexamination and reconsideration in light of these amendments and the following remarks.

#### **Drawings**

On page 2 of the Office Action, the Examiner objected to the drawings for allegedly including “the following reference sign(s) not mentioned in the description: a third aperture.” In response, Applicants have amended paragraphs [0040], [0041], and [0044] to more clearly recite a first aperture 64, a second aperture 44, and a third aperture 45 corresponding to a first lumen 54, a second lumen 50, and a third lumen 52, respectively. Similarly, in an Amendment dated 10 March 2005, Applicants amended the specification to recite, *inter alia*:

Additionally, IV lumen 154 may be described as a first lumen, extraction lumen 150 may be described as second lumen, and return lumen 152 may be described as a third lumen. Further, circular IV aperture 164 may be described

as a first aperture, extraction apertures 144 may be described as a plurality of second apertures, **and return apertures 145 may be described as a plurality of third apertures.**

Paragraph [0064A] (emphasis added).

Accordingly, because the specification clearly describes first, second, and third apertures corresponding to first, second, and third lumens, each of which is clearly illustrated in the drawings and properly indicated by reference numerals, Applicants courteously solicit withdrawal of the objection to the drawings.

Claim Rejections – 35 U.S.C. § 102(e) & 35 U.S.C. § 103(a)

In the Action, the Examiner rejected claims 24-29, 31, and 42 under 35 U.S.C. § 102(e) as allegedly being anticipated by or, alternatively, under 35 U.S.C. § 103(a) as allegedly being unpatentable over U.S. Patent No. 4,717,379 to Ekholmer (“Ekholmer”). Applicants respectfully traverse this rejection.

As suggested by the Examiner in the interview held 5 April 2006, Applicants have amended independent claims 24 and 42 to recite, *inter alia*, “wherein the entire interior space defined by the outside diameter of the inner tube and the inner diameter of the outer tube is divided only by the first septum and the second septum.”

In contrast, and as acknowledged by the Examiner, Ekholmer fails to disclose, teach, or suggest a catheter wherein the entire interior space defined by the outside diameter of an inner tube and the inner diameter of an outer tube that is divided **only** by a first and second septum. Instead, as is clear from FIGS. 1 and 2, the interior space defined by the outer diameter of inner tube 5 and the inner diameter of catheter 1 in Ekholmer is divided by **eight** discrete longitudinal partitions 7 (construed by the Examiner as satisfying the “septum” limitations recited in claims 24 and 42) to define

eight discrete axial passages 3 (construed by the Examiner as satisfying the “lumen” limitations recited in claims 24 and 42).

Accordingly, because Ekholmer fails to disclose, teach, or suggest each and every limitation recited in independent claims 24 and 42, a *prima facie* case of obviousness has not been established. *See, e.g., In re Royka*, 490 F.2d 981, 985 (CCPA 1974) (holding that to establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art); *accord.* MPEP § 2143.03 (“To establish a *prima facie* case of obviousness ... the prior art reference (or references when combined) must teach or suggest all the claim limitations.”) (emphasis added). Applicants therefore respectfully request the withdrawal of this rejection.

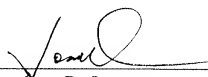
Moreover, aside from the novel limitations recited therein, claims 25-30 and 43-45, being dependent either directly or indirectly upon allowable base claims 24 and 42, are also allowable at least by virtue of their dependency upon these allowable claims. Accordingly, Applicants courteously solicit the withdrawal of these rejections.

Conclusion

For at least the foregoing reasons, Applicants believe that each of the presently pending claims in this application is in immediate condition for allowance. Accordingly, Applicants respectfully request the Examiner to pass this application to issue. If the Examiner has any further comments or suggestions, Applicants invite the Examiner to telephone the undersigned attorney to expedite the handling of this matter.

Respectfully submitted,

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Jonathan R. Lee  
Registration No. 56,561